

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-45 are pending in the present application; no claims having been amended, canceled, or added by way of the present amendment.

In the outstanding Office Action, claims 1-45 were rejected under 35 U.S.C. § 102 as being anticipated by Hwang, et al. (U.S. 2003/0108013). This rejection is respectfully traversed.

The present application is a PCT national stage application based on 35 U.S.C. § 371. The PCT application on which this application is based is PCT/JP02/04338 having a filing date of April 30, 2002. Pursuant to 35 U.S.C. § 363, the present application has as its effective filing date the date of filing of the PCT application which is April 30, 2002.

Hwang, et al. was published on June 12, 2003 which is after April 30, 2002. Thus, Hwang, et al. does not qualify as prior art under 35 U.S.C. § 102(a) or 102(b). Moreover, the filing date of Hwang, et al. is November 19, 2002 which is after April 30, 2002. Thus the Hwang, et al. published application does not qualify as prior art under 35 U.S.C. § 102(e) or any other section of the patent statute.


It is further noted that as this is PCT national stage application, the filing date is considered to be that of the PCT application. See e.g. 35 U.S.C. § 363 and MPEP 1893.03(b). Thus, a certified translation of the PCT application is not necessary to perfect priority and the present application is entitled to the April 30, 2002 filing date, even without providing a translation of the PCT patent application.

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Reply to Office Action of July 11, 2007

Based on the above, as Hwang, et al. is not prior art, the rejection under 35 U.S.C. §
102 is respectfully requested to be withdrawn.

Respectfully submitted,

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